

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No.: 4:07-CR-162-O (1)
	§	
DANIEL P. DALY (01)	§	

FACTUAL RESUME

INDICTMENT: Count One: Receipt of Child Pornography
 Count Two: Possession of Child Pornography
 Count Three: Forfeiture Allegation

PLEA: Guilty plea to Count One and plea of true to Count Three.

Count One: Receipt of Child Pornography, 18 U.S.C. § 2252(a)(2);
Count Three: Forfeiture allegations pursuant to 18 U.S.C. §
2253(a)(1) and (3).

**MAXIMUM
PENALTY:**

Count One: Receipt of Child Pornography
Term of imprisonment for not less than five (5) years and not more
than twenty (20) years and a fine up to the amount of \$250,000, or
twice the pecuniary gain or twice the pecuniary loss; a mandatory
special assessment of \$100; a term of supervised release of five (5)
years up to any term of years to life; and forfeiture of property
described in the indictment. Revocation of the term of supervised
release could result in an additional sentence of up to the term of
supervised release.

Restitution to victims or to the community, which may be mandatory
under the law, and which the defendant agrees may include
restitution arising from all relevant conduct, not limited to that
arising from the offense of conviction alone; costs of incarceration
and supervision.

ELEMENTS OF

THE OFFENSE:

In order to establish the offense alleged in Count One of the indictment, the Government must prove the following elements beyond a reasonable doubt:

- First: That on or about the date set out in the indictment, the defendant did knowingly receive a visual depiction of a minor engaged in sexually explicit conduct; and
- Second: That image had been mailed, shipped or transported in interstate or foreign commerce.

STIPULATION

OF FACTS:

1. On or between July 20, 2005 and September 10, 2005, in the Fort Worth Division of the Northern District of Texas, Daniel P. Daly, defendant, did knowingly receive visual depictions of a minor engaged in sexually explicit conduct, the production of which involved the use of a minor engaged in sexually explicit conduct, that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer, to wit: Daly used the internet to download picture files of minor children engaged in sexually explicit conduct, five of which are further described as follows:

Date	File name	Description of Image
July 28, 2005	sample02.jpg	Image depicting the lewd and lascivious exhibition of the genitals of a minor female spreading her legs.
July 28, 2005	m_p_4[1].jpg	Image depicting the lewd and lascivious exhibition of the genitals of a minor female on her back pulling her underpants to one side.

July 28, 2005	m_p_1[1].jpg	Image depicting the lewd and lascivious exhibition of the genitals of a minor female spreading her legs. The words "slut" and "hurt me" are written on her chest and stomach.
September 4, 2005	m3[1].jpg	Image depicting the lewd and lascivious exhibition of the genitals of a minor female with her legs spread. The minor female is wearing orange socks and sandals.
September 3, 2005	photo_18.jpg	Image depicting a minor female inserting an object into her vagina.

2. In April 2006, Immigration and Customs Enforcement, Cyber Crimes Center (ICE C3) initiated an investigation into a criminal organization operating numerous commercial child pornography websites. The investigation revealed that the criminal organization offered subscribers a chance to purchase memberships via the Internet to purchase access to child pornography. ICE Special Agents were able to identify an individual who had purchased access to child pornography via the commercial website, Daniel P. Daly.

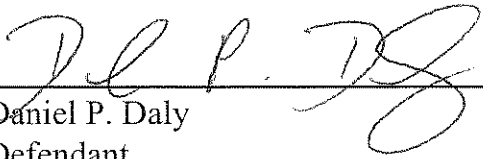
3. On July 25, 2007, ICE Agents along with Euless Police Department officers executed a federal search warrant at Daly's residence in Euless, Texas. During that search, agents encountered Daly at his residence. A forensic examination of the computer and related storage media was performed and agents discovered more than 500 images of child pornography and over 10 video clips of child pornography. Daly admitted he received the numerous images and videos of child pornography of children ranging in age from eight (8) to seventeen (17) engaged in posing and in sexual acts.

4. Daly knew that some of the images, which he received via the Internet, depicted minors engaged in sexually explicit conduct. Daly stipulates that the images he received had been mailed, shipped or transported in interstate and


foreign commerce.

5. Daly pleads true to the allegation set forth in Count Three of the Indictment. The computer and property referred to herein and used by Daly to commit or to promote the commission of the offense of receipt of child pornography in Count One was one Samsung hard drive, 80 Gigabyte hard drive, identification number 0429J1FW463049, one Memorex Mini Travel Drive, USB 2.0 and one PNY Technologies Attache Thumb drive, 512 m.

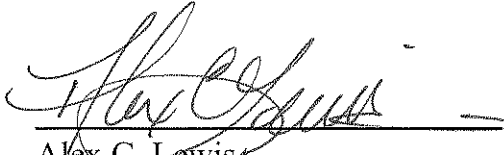
SIGNED and AGREED to on this the 3 day of April, 2008.



Daniel P. Daly
Defendant



Warren St. John
Attorney for Defendant



Alex C. Lewis
Assistant United States Attorney